

On April 24, 1943, the United States attorney for the Northern District of Illinois filed a libel against 15 cases of an article labeled in part "Swee-Teen" at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by the Minnesota Beverage Supply Company from Minneapolis, Minn.; and charging that it was misbranded. The shipment consisted of goods that had been returned to the original shipper, National Food Products, Chicago, Ill.

It was alleged to be misbranded in that the statements in the labeling "'Swee-Teen' A pure food invert sugar powder. To save 30% sugar. To make 45% More Sweetening. For Invert Sugar Syrup at 4½c per lb. Each lb. Makes 200 lbs. Extra Sweetening. * * * 1 lb. of 'Swee-Teen', 500 lbs. of sugar and 250 lbs. of water make over 720 lbs. of 'Swee-Teen' Invert Sugar Syrup," were false and misleading as applied to an article which was not a sweetening ingredient and would not replace sugar.

On May 27, 1943, M. R. Wetherholt and Lawrence Hedrick, trading as National Food Products, having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

5146. Adulteration of butter. U. S. v. 2,626 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10037. Sample No. 48024-F.)

This product contained mold.

On May 19, 1943, the United States attorney for the Southern District of Ohio filed a libel against 2,626 pounds of butter at Cincinnati, Ohio, which had been consigned on or about May 13, 1943, alleging that the article had been shipped in interstate commerce by the Farmers Producers Ass'n from Crawfordsville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Albers Patsy Ann Brand Creamery Butter Distributed by Albers Super Markets, Inc., Cincinnati, Ohio."

On June 11, 1943, the Farmers Producers Ass'n, having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5147. Adulteration of butter. U. S. v. 10 Cases and 10 Cases of Butter. Decrees of condemnation. Product ordered released under bond for segregation of the inedible portion and its disposition for non-food purposes. (F. D. C. Nos. 10040, 10042. Sample Nos. 6700-F, 6717-F, 6718-F, 6720-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed libels against a total of 20 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25 and April 1, 1943, by the Central Kansas Cooperative Creamery Association from Hillsboro, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a moldy, cheesy, and rancid substance, rendering it unfit for food.

On June 5, 1943, the Klinke Bros. Dairy, Memphis, Tenn., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for separation of the edible portion from the inedible portion, and disposition of the latter for non-food purposes.

5148. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation. Product ordered converted into inedible grease and disposed of for war purposes. (F. D. C. No. 10041. Sample Nos. 6709-F, 6714-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed a libel against 12 cases, each containing 32 1-pound rolls, of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 1, 1943, by the Jerpe Dairy Products Corp. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a cheesy and putrid substance. The article was

labeled in part: (Cases) "OL' FASHUND ROLL FINEST CREAMERY BUTTER WILSON & COMPANY DISTRIBUTORS."

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a firm, designated by the War Production Board, in order that it be converted into inedible grease for use in the war program.

5149. Adulteration of butter. U. S. v. 12 Boxes and 30 Boxes of Butter. Default decree of condemnation with respect to 1 lot and the product ordered delivered to fat salvage unit. All but 2 boxes of remaining lot delivered to fat salvage unit, subsequently the remaining 2 boxes condemned and ordered destroyed. (F. D. C. Nos. 8446, 8447. Sample Nos. 15370-F to 15372-F, incl.)

This product contained insect parts, rodent hair, plant fibers and nondescript dirt.

On August 29, 1942, the United States attorney for the District of Nevada filed libels against 42 boxes of butter, each containing 30 individual 1-pound prints, at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about August 20, 1942, by the Nelson-Ricks Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Banquet Better Butter * * * Banquet Better Foods, General Offices, Salt Lake City, Utah," or "Table Queen Creamery Butter."

On November 4, 1942, no claimant having appeared in the first action, judgment of condemnation was entered and the product that was seized was ordered delivered to the local fat salvage unit. On April 9, 1943, the 30 boxes of butter involved in the remaining action having become moldy and rancid, the claimant, the Nelson-Ricks Creamery Co., and the United States attorney entered into a stipulation providing for the delivery of all but 2 boxes to the fat salvage unit. On June 14, 1943, the claim and answer of the Nelson-Ricks Creamery Co. having been withdrawn, a judgment of condemnation was entered and the remaining 2 boxes were ordered destroyed.

5150. Adulteration of butter. U. S. v. 22 Cases of Butter, (and 6 additional seizure actions against butter). Decrees of condemnation. Six of the lots ordered released under bond, 3 to be reworked and 3 to be manufactured into butter oil. One lot ordered sold to highest bidder, to be denatured and used for technical war purposes. (F. D. C. Nos. 10226, 10229, 10235, 10293, 10296, 10300, 10481. Sample Nos. 9620-F, 32539-F, 33828-F, 38905-F, 41309-F, 43202-F, 43204-F, 43206-F, 46846-F.)

Portions of this product contained mold. Other portions were low in milk fat.

Between June 23, and August 3, 1943, the United States attorneys for the Southern District of Alabama, the Southern District of Iowa, the Middle District of Pennsylvania, the Northern District of Ohio, the Northern District of Illinois, and the Eastern District of North Carolina filed libels against 30 cases of butter at Mobile, Ala., 383 cubes, 154 cartons, and 20 tubs of butter at Atlantic, Iowa, 10 cases, 22 pounds of butter at Elkland, Pa., 65 cases of butter at Cleveland, Ohio, 21 $\frac{1}{8}$ cartons of butter at Chicago, Ill., and 19 cases at Rocky Mount, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to July 19, 1943, by Swift & Company from West Point, Miss., Omaha, Nebr., Elmira, N. Y., Keokuk, Iowa, and Lexington, Ky.; and charging that it was adulterated. Portions of the article were labeled in part: "Swift's Brookfield Butter," "Butter Meadowland Creamery Distributors, Chicago," "Waverly Brand Creamery Butter * * * Manufactured by Waverly Butter & Egg Co., Waverly, N. Y.," or "Glenwood [or "Southern Belle" or "Cresta"] Creamery Butter."

Portions of the article were alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The remainder was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Within the period from July 3 to September 8, 1943, decrees of condemnation were entered. No claim having been entered for the lot located at Elkland, Pa., the product was ordered sold on condition that it be denatured and used for technical war purposes. Swift & Co. having appeared as claimant in the other actions, the product was ordered released under bond on condition that it be disposed of in compliance with the law. The lots that were low in milk fat